

Accompanying this reply are marked-up versions of the above amendments and clean copies thereof.

Please amend Claim 1 as follows:

In line 6, before "site" insert -- positioning --, after "having" insert -- two opposite side --, after "bounding" insert -- therebetween --, and after the last "a" in the line insert -- vertical plane --;

line 7, before "doorway" insert -- of a --, and after "doorway" insert -- opening --;

line 8, delete "straddling" and before "relation" insert -- a transverse --;

line 9, after "disposed" insert -- flat --, delete "along a", before "wall" insert -- against one said side --;

line 11, after "doorway" insert -- opening plane --, and after the semi-colon, delete "and";

line 12, after "said" insert -- plane of said --, after "doorway" insert -- opening preparatory to establishing --, and before "leaning" delete "in";

line 13, after the semi-colon, insert -- and --;

between lines 13 and 14, insert a paragraph:

-- D. instructing said individual to supplement said established leaning engagement by pushing against the other of said side wall of said door frame to cause movement of the individual in the direction of said massage device; --

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Reconsideration of the rejection of claim 1 under 35 U.S.C. 112, second paragraph is respectfully requested.

In line 6, the indefinite term has been changed to "using as a positioning site" (underlining added) which makes this term definite.

In line 8, the term "straddling" has been replaced with the word "transverse".

In line 10, it is made clear that it is the doorstep 12 that is intended and which is "a vertically oriented strip disposed flat against one said side wall of the door frame normally serving as a stop . . . for a door mounted in [the] door opening plane".

The above changes are believed to cure the objections of paragraph 3 of the Office Action.

Reconsideration of the rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by Krimmel and/or by Chester is respectfully requested.

Regarding Krimmel, the user must be positioned during use of the device 10 at a 45 degree angle to the plane of the door opening because the door frame edge, as distinguished from the flat strip on the door frame wall on which the device 10 of the Krimmel patent is positioned, requires the 45 degree angle. In having to assume this 45 degree angle, the user cannot push against the opposite facing door frame wall 30 as shown in Fig. 2, and apply leaning pressure 24 at the interface of the massaging spheres 60 and the spine area being massaged.

Turning now to Chester, this patent does not prohibit the user from assuming an exercising position in the plane of the door opening, but what is disclosed is even less convenient to use than Krimmel because the device or apparatus 10 is clamped from opposite sides using clamping means 14 on the sides 17 of the door jam. Thus, to change the vertical positions of the apparatus 10, the clamping means 14 have to be unclamped and clamped. More substantive

going to the issue of patentability, it is in the clamping means 14 which establish the position of the apparatus 10 and NOT the "leaning" contact of the individual, i.e., the weight and pushing effort of the individual, against the massaging wheels 21.

To demonstrate this significant difference in the operating modes of Chester and applicant, if the individual using the Chester apparatus 10 moves away from or out of contact with the wheels 21, the apparatus 10 remains where it is. In using applicant's massaging device 16, however, it is the leaning contact that maintains the position of the massaging device 16 and the removal of this contact frees the massaging device for repositioning. In effect, applicant has used the individual's leaning weight and pushing effort to obviate the need for the side clamping means 14 of Chester, which are bothersome to clamp and unclamp preparatory to each position change and, as known from common experience, the applied clamping pressure causes depressions and other surface marring of the surfaces 17 of the door frame. This undoubtedly is the reason why Chester provides "resilient cushions 20 [to] protect the vertically extending member 17 . . . when the apparatus 10 is engaged against the member 17". (col. 2, lines 23-25).

Thus, Krimmel does not disclose a self-administered back massage using step D of amended claim 1 because the individual is not in the plane of the door opening and cannot "[push] against [a] side wall of the door frame" and Chester does not use the individual's "leaning . . . against the massaging device" as recited in step C of amended claim 1 to hold the massaging apparatus in place, but uses instead clamping means 14 which complicate changing positions of the massaging apparatus and mar the sides of the door frame.